

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:06:CR:160

v.

HON. GORDON J. QUIST

JOSE ACUNA-PAYAN,

Defendant.

ORDER

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties, and no objection has been made thereto within the time required by law.

THEREFORE, IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge filed September 20, 2006, is approved and adopted as the Opinion and Findings of this Court.
2. Defendant Jose Acuna-Payan's plea of guilty to Count One of the Indictment is accepted. Defendant Jose Acuna-Payan is adjudicated guilty.
3. Defendant Jose Acuna-Payan shall be detained pending sentencing.
4. A decision of whether to accept the written plea agreement will be made at the time of sentencing after the Court has had the opportunity to review the Presentence Investigation Report.

See U.S.S.G. Ch. 6.

Dated: October 4, 2006

/s/ Gordon J. Quist

GORDON J. QUIST

UNITED STATES DISTRICT JUDGE